

Art Unit: 3744

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 16, 18, 26-29, 34, 37, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All of these claims recite limitations which are in parentheses, making it unclear as to whether these limitations are part of the claimed structure.

3. Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because the range of claims which it depends from contains claim 24, which has been cancelled. Accordingly, the claim has not been further treated on the merits.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,366 to Renard. Renard discloses the claimed invention of a collapsible display case having a plurality of walls 25-28 which are assembled to a base 2. The base also contains the refrigeration system.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3744

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Renard.

Renard discloses the claimed invention except for the type of refrigeration claimed. The type of refrigeration system used in Renard is a matter of obvious choice, as the claimed refrigeration system with the recited components is a well known type of system. No criticality or unexpected results are seen or have been disclosed for the claimed refrigeration system.

8. Claims 4, 10, 18, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of U.S. Patent No. 3,682,154 to Mollere. Renard discloses the claimed invention except for the side panels being a hinge type collapsible concertina configuration. Mollere teaches a collapsible container having side walls that are collapsible in a concertina configuration. Thus, it would be obvious to modify Renard so that the side walls are collapsible in a concertina configuration, in view of Mollere, to yield the predictable result of easily assembling and disassembling the container.

9. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renard in view of Mollere as applied to claim 4 above, and further in view of U.S. Patent No. 5,669,233 to Cook et al. Renard as modified above by Mollere discloses the claimed invention except for the eutectic cooling system. Cook et al teaches a container that uses a eutectic cooling system that is rechargeable. Thus, it would be obvious to substitute, for the refrigeration system of Renard, a eutectic cooling system of the type taught in Cook et al, to yield the predictable result of saving on electricity by reusing the eutectic cooling system.

Art Unit: 3744

10. Claims 11, 13, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 16, 26-29, 34, 37, and 38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on September 22, 2006 are clearly informal.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William E. Tapolcai/  
Primary Examiner, Art Unit 3744

wet  
October 8, 2008